



FREDERICK COUNTY PLANNING COMMISSION

March 8, 2017

TITLE: Kiddie Academy

FILE NUMBER: SP-94-21, AP 16943 (APFO 16944,
FRO 16945, SWM 17080)

REQUEST: Site Development Plan Approval

The Applicant is requesting site development plan approval for the construction of a 10,675 square foot child care center/nursery school on a 3.49-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: North side of Finn Drive, 680 feet west of Boyers Mill Road

TAX MAP/PARCEL: Tax Map 79, Parcel 273

COMP. PLAN: Low Density Residential

ZONING: Planned Unit Development (PUD)

PLANNING REGION: New Market

WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Bal Gokul, LLC (contract purchaser)

OWNER: Oakdale Investments, LLC

ENGINEER: Harris, Smariga & Associates

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1- Kiddie Academy Site Plan Rendering

Exhibit 2- Kiddie Academy Loading Space and Landscaping Modification Request

Exhibit 3 – Kiddie Academy Parking Space Modification Request

Exhibit 4 – LOU Amendment

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site development plan approval for the construction of a 10,675 square foot child care center/nursery school on a 3.49-acre site. The proposed use is being reviewed as a child care center/nursery school under the heading of "Institutional" in the Zoning Ordinance (§1-19-5.310). The Planned Development District allows institutional land uses within the PUD zoning district per Section 1-19-10.500.6(A)(2) of the Zoning Ordinance, subject to site development plan approval. Refer to site zoning in Graphic #2.

Modification Requests:

1. Loading Space Modification
2. Parking Modification
3. Street Tree Modification

BACKGROUND

Development History

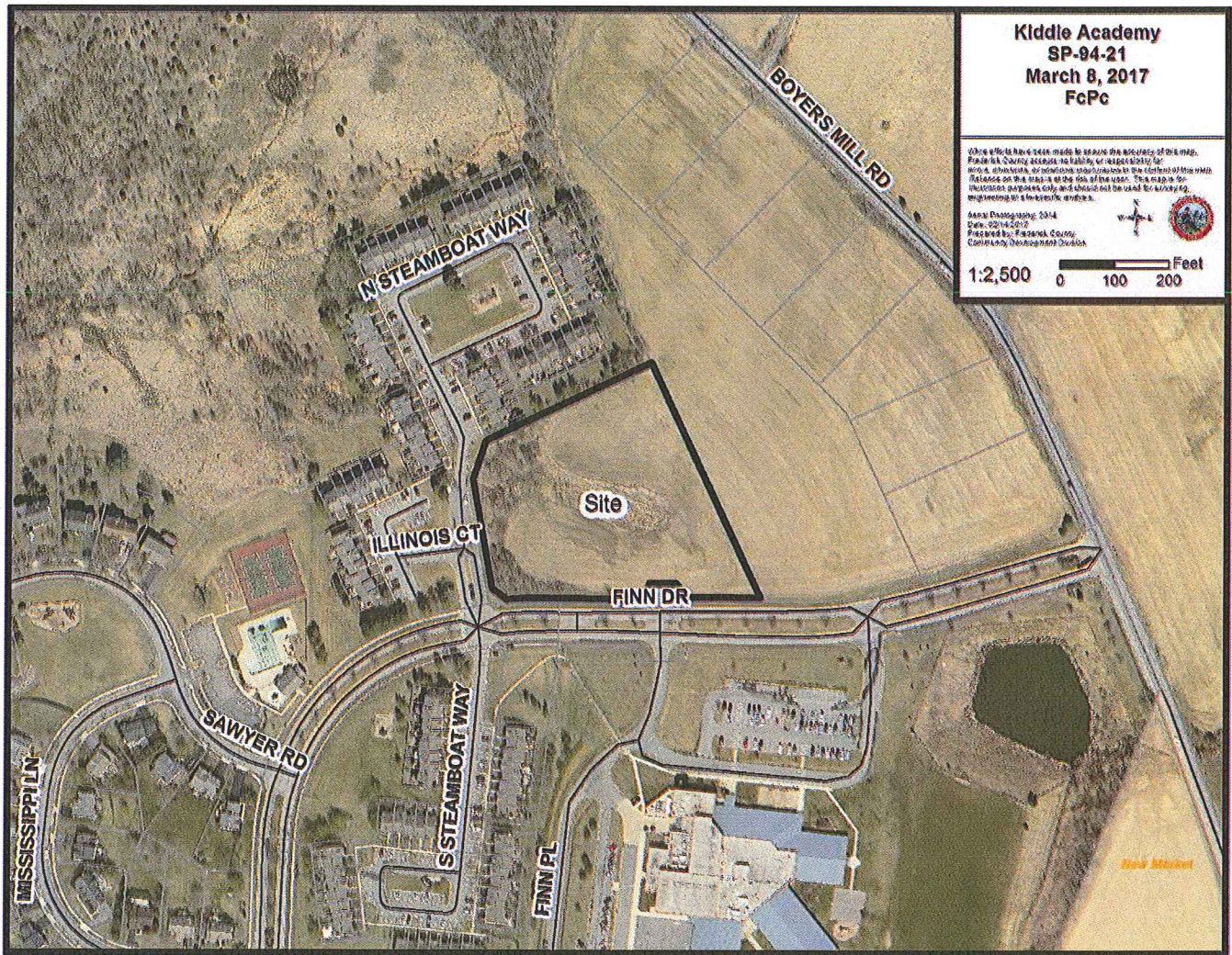
This site is located within the Summerfield Village in the Lake Langanore PUD. The subject property is identified as "Parcel M – Commercial Site," recorded as Plat VIII in the "Eaglehead Summerfield Division" on January 12, 1989 at Plat Book 40, Page 6.

Existing Site Characteristics

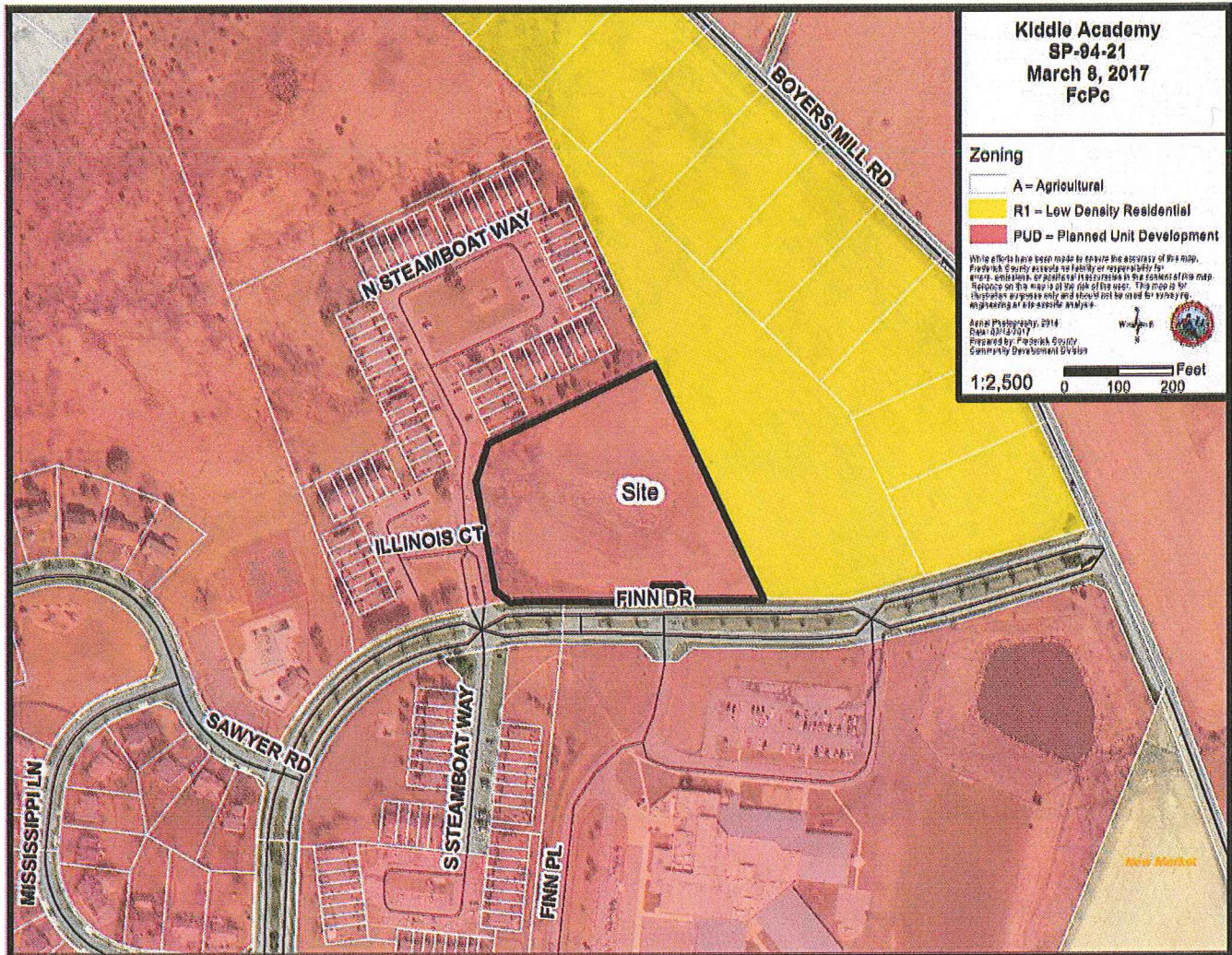
Bordered by Finn Drive and North Steamboat Way, the project site is located at the entrance to the Summerfield Village, a 327-lot residential subdivision in the Langanore PUD. Deer Crossing Elementary School is located to the south of the subject property. Existing townhomes border the property to the north and a 4.4-acre undeveloped, R-1- zoned parcel is situated directly to the east.

The site is relatively flat and unforested with a band of Rohrersville-Lantz Silt Loam (RoB) Floodplain soil running from northwest to southeast on a portion of the property. The Applicant commissioned a flooding/wet soils survey and delineation, prepared by Specialized Engineering in 2016, that depicts the flooding soils confined to a narrow drainage swale on property. This area is proposed for 0.53-acres of afforestation to comply with the Forest Resource Ordinance (FRO). All planned development on the site is located outside of the flooding soils and exceeds the required 25-ft. setback from the boundary of the RoB soil per §1-19-9.110(B)(3) of the Zoning Ordinance.

Graphic #1: Site Aerial



Graphic #2 Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The property acts as a 'gateway' to the Summerfield Village, occupying a prominent location in the subdivision. Attention to architectural and design details is made with a variety of façade treatments and visual forms along the building side that parallels Finn Drive, consistent with §1-19-10.500.9, General Development Standards within Planned Development Districts.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **General Development Standards—Planned Development Districts §1-19-10.500.6:** Setbacks and heights shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in §1-19-10.500.9. The Eaglehead Summerfield Division Parcel M plat notes that the building restriction lines are to be set at site plan approval.

The following dimensional requirements are proposed for the Kiddie Academy Child Care Center/Nursery School, subject to approval by the Planning Commission.

	<u>Proposed or Existing</u>
Minimum Lot Area	3.49 acres (per recorded plat)
Minimum Lot Width	439' (per recorded plat)
Front Yard	10' (2 front yards)
Side Yard	8' (2 side yards)
Rear Yard	N/A
Max Building Height	30'

2. **Signage §1-19-6.300:** The Applicant is permitted to have 128 square feet of total signage based on the length of the building facade facing the street. In this instance, the building length on Finn Drive is 164.9 feet. The signage calculation is listed in Note #10 on Sheet 1 of the site plan. The building mounted sign shown on the Exterior Elevation Sheet scales to 18 ft. x 4.5 ft, or 81 square, but lacks dimensional

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information. The plan also shows a free-standing, hanging sign located in front of the building, setback 9 feet from the front property line. This sign is 9.36 square feet in size and 5 feet tall, based on a supplemental diagram provided by the Applicant. The site plan submitted for final signature approval must include complete dimensional information for both signs. The location and total proposed amount of signage meets the requirements of the zoning ordinance.

3. Landscaping §1-19-6.400: The Applicant has provided a landscaping plan on Sheet 2 of the site plan. The Zoning Ordinance requires a total of 22 street trees adjacent to the existing public rights-of-way along Finn Drive and North Steamboat Way. The Applicant is requesting a modification to allow 16 trees along these roadways due to conflicts with utility lines and sight distance/visibility concerns at the Finn Drive entrance. The site plan includes 7 trees and understory shrubs in the parking lot, providing the 20% canopy coverage and meeting the requirements listed in §1-19-6.400 of the Zoning Ordinance. It appears that there are several opportunities to locate the 6 additional required street trees on-site, but not adjacent to the right-of-way. Staff supports providing the 6 required street trees at an alternate location on-site rather than eliminating the requirement.

4. Screening §1-19-6.400: The plan proposes a mixture of evergreen and deciduous species, reaching heights of 6 ft. to 15 ft. at maturity, to act as screening and buffering for the residentially-zoned parcel to the east and a portion of the adjacent townhomes to the north. The entire northern property line that abuts the full length of townhomes must be screened and buffered.

5. Lighting §1-19-6.500: A lighting plan indicates four (4) 18-ft tall light poles in the parking lot, which meets the maximum height of 18' for commercial uses as contained in § 1-19-6.500. The Zoning Ordinance also requires that lighting shall be installed and designed to be fully shielded and directed downward to prevent glare and light trespass. The Applicant shall revise Note no. 8 to include this specific statement.

Note 8 of the site plan indicates 10 building mounted lights, but the Architectural Plans on page 3 depict 16 building mounted light fixtures. The Applicant shall revise the plan to indicate the correct number of building mounted lights that will be installed.

Condition

1. The Applicant shall revise Note no. 8 to include the following text: "Lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky." Note no. 8 and the Architectural Plan sheet require revision to reflect the correct number of building mounted light fixtures.
2. Landscaping Modification (§1-19-6.400)
The Applicant is requesting a modification to reduce the number of required street trees from 22 to 16. However, Staff supports providing the 6 remaining required street trees at an alternative location on site rather than reducing the requirement.
3. The Applicant shall add dimensional measurements to the building mounted sign as shown on the Exterior Elevation Sheet and add dimensional measurements to the proposed free-standing sign on the front of the site.
4. Planning Commission approval of the proposed side yard setback of 8 feet, front yard setback of 10 feet, and the proposed building height of 30 feet.
5. The Applicant shall place additional landscaping along the northern property line to show complete buffering and screening of the adjacent townhomes.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The site has frontage on both Finn Drive, a public street designated as a local roadway on the Comprehensive Plan, and North Steamboat Way, a private local roadway in the Summerfield Village. Access is made via a 30-ft wide entrance from Finn Drive to the parking lot. Two-way circular vehicular movement on the site is shown with 24-ft. travel lanes around the parking lot. Staff has worked with the Applicant to minimize conflict points between vehicle traffic to from and within the site as well as pedestrian traffic.
2. **Public Transit:** There is currently no public transit service to this area.
3. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Section 1-19-6.200 requires child care centers/nursery schools to provide 1.5 parking spaces for each employee, plus 1 space for every 10 children approved for care. The plan indicates a total of 22 employees, plus a maximum capacity of 174 children which requires 51 parking spaces. The Applicant seeks a modification to allow 7 fewer parking spaces in the project. The 44 proposed parking spaces includes 2 spaces dedicated to Kiddie Academy vans.

The Applicant is required to provide 1 large (12' x 50') or 2 small (9' x 20') loading spaces in accordance with Section §1-19-6.210 of the Zoning Ordinance, but is seeking a modification from the Planning Commission to waive this requirement. The Applicant proposes 1 small loading space on the site due to the fact that food deliveries will be made by small trucks or vans as described in Exhibit No. 2.

Staff has no objection to the modification request for the reduction in parking spaces and the loading space.

Condition

1. **Loading Space Modification (§ 1-19-6.210)**
The Applicant is requesting a modification to waive the requirement to supply 2 small or 1 large loading spaces as described in Exhibit No.2.
2. **Parking Modification (§ 1-19-6.220A)**
The Applicant is requesting a modification to allow 44 parking spaces, where 51 are required.
4. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 1 bicycle rack based on the requirement of 1 rack for each 20,000 square feet of gross floor area. The bicycle rack is shown on the plan to the left of building entrance. A note has been added to the plan to require that the bicycle parking meet the standards of the Frederick County Bicycle Design Guide.
5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A sidewalk is provided around the perimeter

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of the building and along the entire western edge of the parking area. Two (2) striped and painted pedestrian crosswalks are shown from the 'island' in the center of the parking lot to the existing sidewalk described above, providing a safe, direct route from the parking spaces to the building. Kiddie Academy policies require children to be accompanied into the building by a parent or caregiver; no unaccompanied drop-off of children from a vehicle is anticipated.

Sidewalks are added along the site's entire frontage of Finn Drive and North Steamboat Way, plus crosswalks over both Finn Drive and North Steamboat Way, which provides safe access to Deer Crossing Elementary School for children utilizing Kiddie Academy before or after school.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site will be served by public water and sewer through a connection to the existing 12-inch water line in Finn Drive and a connection to an existing 8-inch sewer line present along North Steamboat Way. The property is classified W-1 and S-1 on the Water and Sewerage Plan. Water for this site is sourced from the Potomac River via the New Design Road Water Treatment Plant. Sewage from this site is treated at the Ballenger-McKinney Wastewater Treatment Plant, a regional facility that serves the greater New Market Region.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The site is relatively flat with a small drainage swale in the northwest portion of the site.
2. **Vegetation:** There is no significant forest cover, except for sparse early successional vegetation along the western edge of the property. The majority of the property is a mowed field.
3. **Sensitive Resources:** The site contains Rohrsersville-Lantz Silt Loam (RoB) flooding soils, confined to a narrow band corresponding to the drainage swale in the northwest portion of the property. The proposed development is located outside of the area of flooding soils and the required setback. No FEMA floodplain or wetlands are located on the site.
4. **Natural Hazards:** There are no known natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities,*

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the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

Findings/Conclusions

1. **Proposed Common Area:** The site will be a place of business, there are no common areas proposed for public use.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2: A stormwater management concept plan for this project was approved on December 27, 2016.

APFO – Chapter 1-20:

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations.
3. **Roads.** This project is located within the Eaglehead-on-the-Lakes Planned Unit Development, which was granted APFO approval, as described in the Letter of Understanding (LOU) dated July 11, 2013. This approved LOU allows future modification to the dwelling unit mixture and commercial density provided that all APFO requirements are met.

The Kiddie Academy is expected to generate 134 a.m. and 136 p.m. driveway trips during the peak hour of adjacent street traffic. An amended LOU for Eaglehead-on-the-Lakes PUD has been prepared to document the change in residential unit mixture and commercial density necessary to accommodate the traffic generated by this use on this site, provided all APFO requirements are met.

Forest Resource – Chapter 1-21:

The Applicant has submitted a Preliminary Forest Conservation Plan, which is currently under review. The site contains no forest or specimen trees. The development generates a 0.53-acre afforestation requirement. The Applicant will meet this requirement by planting 0.53 acres of new forest on site, which will be protected by a forest conservation easement.

The Preliminary FRO Plan must be approved prior to site plan approval. A final FRO Plan must be submitted and approved and FRO mitigation must be provided prior to applying for grading permits or building permits or whichever is applied for first.

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Historic Preservation – Chapter 1-23: There are no historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>State Highway Administration (SHA):</i>	N/A
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Conditional Approval
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the site plan for the construction of a 10,675 square foot child care center/nursery school on a 3.49-acre. If the Planning Commission conditionally approves the site plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval and therefore would be valid until March 8, 2020.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Prior to signature approval of the site development plan, Note No. 8 shall be revised to include the following text: "Lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties." Note No. 8 and the Exterior Elevation Sheet shall be revised to reflect the correct number of building mounted light fixtures.
3. Planning Commission approval of the Landscaping Modification (1-19-6.400). The Applicant is requesting a modification to reduce the number of required street trees from 22 to 16; however, Staff supports providing the 6 remaining required street trees at an alternative location on site rather than reducing the requirement.
4. Prior to signature approval of the site development plan, the Applicant shall add dimensional measurements to the building mounted sign as shown on the Exterior Elevation Sheet and add dimensional measurements to the proposed free-standing sign depicted on sheet 1 of the site development plan.

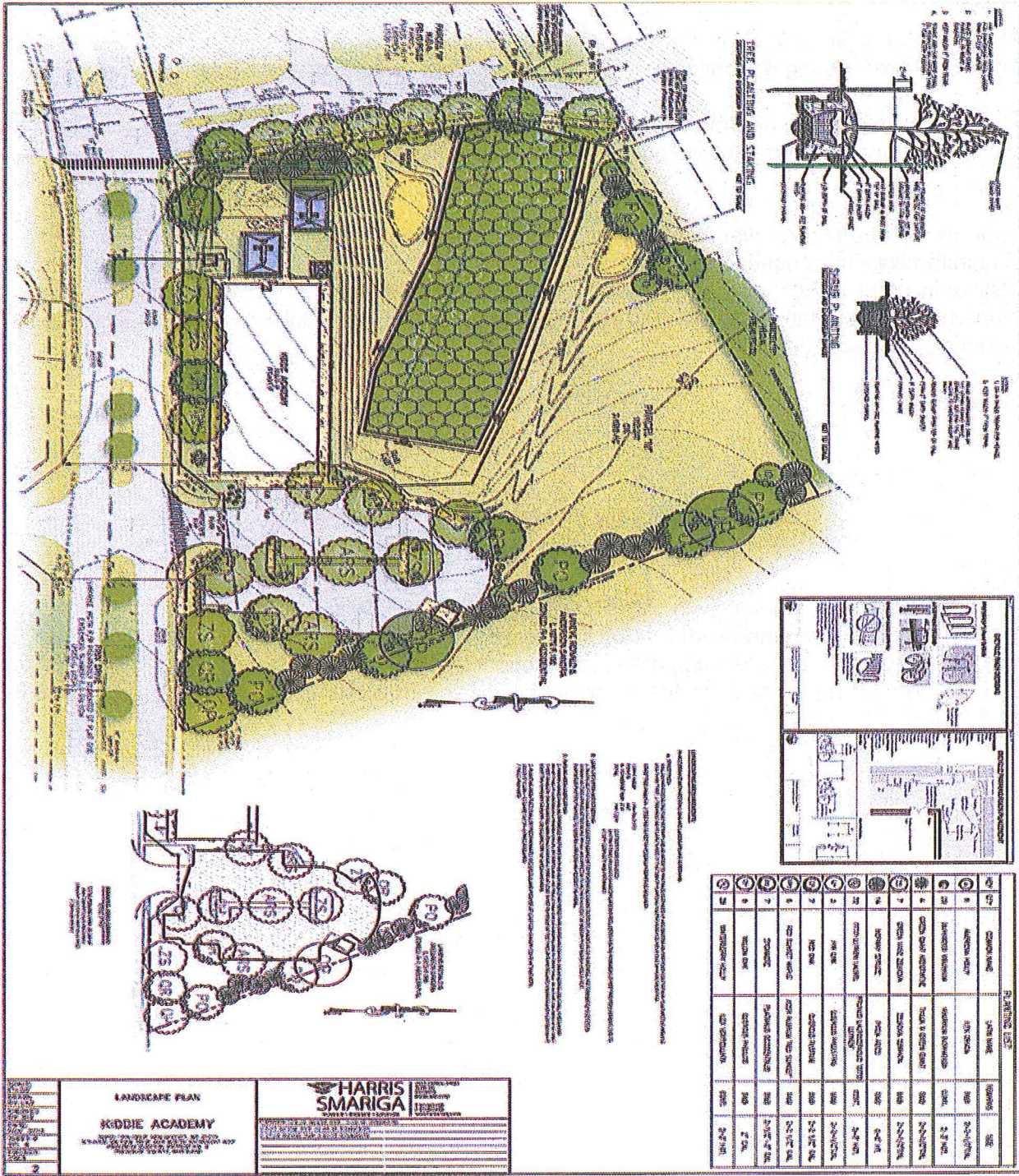
Kiddie Academy
March 8, 2017

5. Prior to signature approval of the site development plan, the Applicant shall place additional landscaping along the northern property line to show complete buffering and screening of the adjacent townhomes.
6. Planning Commission approval of the proposed side yard setback of 8 feet, front yard setback of 10 feet, and the proposed building height of 30 feet.
7. Planning Commission approval of the requested Loading Space Modification (1-19-6.210). The Applicant is requesting a modification to waive the requirement to supply 2 small or 1 large lading space(s), and is proposing 1 small loading space.
8. Planning Commission approval of the requested Parking Space Modification (1-19-6.220A). The Applicant is requesting a modification to allow 44 parking spaces, where 51 are required.
9. The FRO Plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits or whichever is applied for first.
10. Prior to signature approval, fully execute the Eaglehead-on-the-Lakes PUD AFPO Letter of Understanding, as amended to document the change in residential unit mixture and commercial density in order to accommodate the traffic generated by the Kiddie Academy on the 3.49-acre property known as Parcel M, recorded on January 12, 1989 at Plat Book 40, Page 6 in the Frederick County Land Records."

PLANNING COMMISSION ACTION **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-94-21 AP 16943 and APFO LOU Amendment **with conditions and modifications** as listed in the staff report for the proposed construction of a 10,675 square foot child care center/nursery school on a 3.49-acre, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1 Kiddie Academy Site Plan Rendering





125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701

P. 301.662.4488
F. 301.662.4906
www.harrissmariga.com

Via e-mail: tgoodfellow@FrederickCountyMD.gov

Tim Goodfellow, AICP
Frederick County Community Development Division
30 N. Market Street
Frederick, MD 21701

Re: Loading and Landscaping Modification – Kiddie Academy
Project Number 16943

Dear Tim:

Planning Commission approval of the following loading and landscaping modifications are requested for the Kiddie Academy Site Plan.

In regards to Loading, per Section 1-19-6.210(D) an applicant may request that the Planning Commission approve a modification. We are requesting a reduction to the County's requirement of 1 large or 2 small loading space for this site. Kiddie Academy does not require a large amount of deliveries by large truck. Deliveries consist of food and the food will be delivered in a smaller box truck or van sized vehicle. The only tractor trailer delivery expected will be a one time delivery of the initial furniture for Kiddie Academy. Therefore we request Planning Commission approval of one small loading space as shown on the plan.

In regards to Street Trees, per Section 1-19-6.400(A)(2)(a)+(c) the Planning Commission may approve an alternate planting location or planting design for street trees due to physical site constraints. We are currently unable to provide all the required street trees along the properties frontage due to limited planting areas given the proposed site entrance, signage and water meter. In addition existing utility pedestals and storm drains further restrict the planting areas. A total of 22 street trees are required along the Finn Drive and North Steam Boat Way and we have provided 16. While we are unable to provide all the required trees on the frontage, we are providing additional trees throughout the site to compensate the reduction in provided street trees.

Thank you for your consideration of these requested modifications.

Sincerely,

Samuel F. Zeller
Vice President

cc: Planning
Krupa Patel

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KIDDIE ACADEMY[®]

EDUCATIONAL CHILD CARE

January 3, 2017

VIA E-MAIL: tgoodfellow@FrederickCountyMD.gov

Tim Goodfellow, AICP
Frederick County Community Development Division
30 N. Market Street

Re: *Kiddie Academy parking needs*
10800 Finn Drive, New Market, MD 21744

Dear Planners:

On a daily basis, Kiddie Academy[®] facilities provide services to more than 20,000 children in 170 academy's operating in twenty-four states plus the District of Columbia. Kiddie Academy[®] facilities operate between the hours 6:30 AM until 6:30 PM, Monday through Friday. Academies close for six major holidays per year, including but not limited to; New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.


Kiddie Academy[®] of New Market will provide services for an anticipated licensed capacity of 174 children ranging in age from six weeks to twelve years of age. Kiddie Academy must obtain a license through The Maryland State Department of Education, Division of Early Childhood Development. Additionally, our records support the claim that approximately 18% of the enrolled population will include 2 children from the same family and an additional 2% with 3 or more. Further, surveys taken throughout the Kiddie Academy[®] system find that most families live within an 8-minute drive of the location.

While the academy population builds in the morning hours, most children arrive between the hours of 7:00 - 9:00 AM. Conversely, the hours between 4:00 and 6:00 PM represent the time most children are picked up. We consider both to be peak drop off and pick up times. Based upon system wide statistics, approximately 7 to 11 parent/guardian cars are present during drop off/pick up times in 10 minute intervals. The parent or guardian of each child must accompany their child into the academy and to the classroom. Upon entering the building, parents must enter their child's PIN number into an electronic monitoring system to register the child for the day and gain access to the academy. Academy staff also records attendance on a roster upon entry in the classroom. At the end of the day, the parent or guardian signs out their child and escorts the child to their vehicle following the same procedure. These added security measures provide a level of security not found in many childcare facilities.

At full enrollment, a maximum of twenty-two teachers and administrators (part time food service personnel, director and owner) will maintain staff/child ratios and manage the academy each day. Approximately 15% or more staff arrive by drop off or has another means of transportation to the academy. The projected maximum number of parent and staff cars for any given period is twenty-seven. Based on this projection, I believe forty-two parking spaces to be sufficient to support this facility.

If you should have additional questions, please contact me. I may be reached at (410) 515-6072.

Sincerely,


Christopher Commarota
Vice President of Construction

3415 Box Hill Corporate Center Drive, Abingdon, Maryland 21009
PH: 800.554.3343 • 410.515.0788 • Fax: 410.569.2729 • kiddieacademy.com
A member of International Franchise Association since 1999



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**AMENDMENT TO THE
ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING
EAGLEHEAD-ON-THE-LAKES PUD**

APFO AP#16944

This Amendment ("Amendment") to the Adequate Public Facilities Letter of Understanding, Eaglehead-on-the-Lakes PUD, dated July 11, 2013 (referred to herein as "Letter"), is made this _____ day of _____, 2017, by and between the Frederick County Planning Commission ("Commission") and Oakdale Investments, L.L.C., a Maryland limited liability company ("Developer").

Explanatory Note: On page 1 of the Letter, there is a Table which delineates the sections of the PUD, and the number of units and the unit mix for each section. The Table is followed by this paragraph:

Developer may, from time to time, request revisions to the dwelling unit mix outlined in the above table, including revision of the unit mix within a particular section of the PUD or the transfer of dwelling units or commercial density from one section of the PUD to another section of the PUD, provided that such transfers are consistent with the Comprehensive Plan, the Phase I Concept Plan and the Revised Phase II Plan, as applicable, and provided that all applicable County laws and regulations, including but not limited to, Section 1-20-9 of the APFO, are met. No such transfer request shall be approved unless the following minimum requirements are met: a) Developer's civil engineer must demonstrate, to the satisfaction of the Division of Utilities and Solid Waste Management ("DUSWM"), that the proposed transfer will remain adequately served by water and sewer infrastructure; b) Developer's traffic engineer submits a Traffic Memorandum certifying that the trip generation levels resulting from such transfer will not exceed the approved AM and PM peak hour vehicle trip generation or trip distribution tolerance levels for the affected section of the PUD approved under this LOU; c) the Frederick County Public Schools staff determines that the school attendance area is the same for both the transferring and receiving areas and that development on the receiving parcel will generate the same or fewer students than would development of the transferring parcel; d) Developer agrees to pay any adjusted School Construction Fee amounts resulting from a change in unit types; e) any transfer is subject to final preliminary subdivision/site development plan approval, as applicable, of all proposed uses; and f) an Amendment to this LOU shall be executed by the Developer and the Frederick County Planning Commission.

This Amendment is made for the purpose of incorporating a new Exhibit G to the Letter to allow for tracking of the previously approved roads and schools impacts, as each component plan of the Project is approved. Amendments to the new Exhibit G will facilitate ease of tracking and documenting such previously approved impacts, without the need for continually amending the Letter itself when only traffic generation or pupil yield is increased by revisions to the dwelling unit mix or transfer of dwelling units or commercial density from one section of the PUD to

another. The parties agree that such tracking and documentation is consistent with the original intent of the Letter.

Therefore, the Letter is hereby amended as follows:

1. The attached Exhibit G is hereby incorporated and attached as part of the Letter.
2. The parties agree that Exhibit G shall be updated by the Developer consistent with the Letter and to the reasonable satisfaction of the Frederick County Planning and Permitting Division Staff with each preliminary subdivision plan and/or site plan for the Project, to continuously track and document the previously approved impacts.
3. Notwithstanding anything in the Letter to the contrary, future amendments to Exhibit G will satisfy the requirements of subsection f) of the Letter as noted above when traffic generation or pupil yield is increased by revisions in the dwelling unit mix or the transfer of dwelling units or commercial density from one section of the PUD to another section of the PUD. If other factors in connection with the adequacy of public facilities are impacted, then an amendment to the Letter approved by the Frederick County Planning Commission shall be required.

Except as herein modified, the Letter shall remain unchanged and in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

WITNESS:

OAKDALE INVESTMENTS, L.L.C.

By: _____ (SEAL)
Jason A. Wiley, Manager

FREDERICK COUNTY PLANNING COMMISSION

BY: _____ (SEAL)
Bill Hopwood, Chairman

Date

ATTEST:

Gary Hessong, Director
Department of Permits & Inspections

Date

EXHIBIT G

EAGLEHEAD-ON-THE-LAKES SCHOOL AND TRIP SCORECARD

APFO AP#16944

March 8, 2017

PUPIL GENERATION (BY SCHOOL ATTENDANCE AREA) - APFO SCHOOLS SCORECARD
APPROVED/BUDGETED PUPIL YIELDS TO APPROVED/PROPOSED SITE PLAN YIELDS

Unit Type	Approved APFO Units	Pupil Yield Rate				Resulting Pupil Yield			Site Plan Approved/Proposed Units	Resulting Pupil Yield			Pupil Yield Surplus (Budgeted - Proposed)	Notes		
		NMES	NMMS	LMS	HS	ES	MS	HS		ES	MS	HS				
Hamptons East																
SFD	300	0.26	0.14	0.21		78	42	63	0	0	0	0	78	42	63	
TH	135	0.29	0.03	0.11		39	11	15	0	0	0	0	39	11	15	
TT	0	0.13	0.05	0.06		0	0	0	0	0	0	0	0	0	0	
MF	0	0.05	0.04	0.02		0	0	0	0	0	0	0	0	0	0	
Hamptons East - Total Resulting Pupil Yield														117	53	78
Hamptons West, Woodridge, Eaglestream, Nightingale, Aspen, Isles, Pinehurst, Indian Caves																
Unit Type	Approved APFO Units	Pupil Yield Rate				Resulting Pupil Yield			Site Plan Approved/Proposed Units	Resulting Pupil Yield			Pupil Yield Surplus (Budgeted - Proposed)	Notes		
		DCES	OMS	OHS	HS	ES	MS	HS		ES	MS	HS				
SFD	450	0.34	0.15	0.12		153	68	82	367	125	55	67	28	12	15	
TH	350	0.19	0.11	0.12		67	39	45	189	36	21	24	31	18	21	
TT	0	0.13	0.05	0.06		0	0	0	0	0	0	0	0	0	0	
MF	0	0.07	0.03	0.02		0	0	0	0	0	0	0	0	0	0	
Hamptons West, Woodridge, etc. - Total Resulting Pupil Yield														220	106	127
Alpine, Town Center																
Unit Type	Approved APFO Units	Pupil Yield Rate				Resulting Pupil Yield			Site Plan Approved/Proposed Units	Resulting Pupil Yield			Pupil Yield Surplus (Budgeted - Proposed)	Notes		
		CES	OMS	OHS	HS	ES	MS	HS		ES	MS	HS				
SFD	400	0.27	0.15	0.12		108	60	73	136	37	20	25	71	40	48	
TH	800	0.13	0.11	0.12		104	88	103	631	82	69	81	22	19	22	
TT	0	0.13	0.05	0.06		0	0	0	0	0	0	0	0	0	0	
MF	400	0.05	0.03	0.02		20	12	8	418	21	13	9	-1	-1	0	
Alpine, Town Center - Total Resulting Pupil Yield														232	160	184
Westridge																
Unit Type	Approved APFO Units	Pupil Yield Rate				Resulting Pupil Yield			Site Plan Approved/Proposed Units	Resulting Pupil Yield			Pupil Yield Surplus (Budgeted - Proposed)	Notes		
		SRES	T.MMS	OHS	HS	ES	MS	HS		ES	MS	HS				
SFD	300	0.19	0.11	0.12		57	33	55	0	0	0	0	57	33	55	
TH	100	0.24	0.07	0.12		24	7	13	0	0	0	0	24	7	13	
TT	0	0.13	0.05	0.06		0	0	0	0	0	0	0	0	0	0	
MF	0	0.02	0.01	0.02		0	0	0	0	0	0	0	0	0	0	
Westridge - Total Resulting Pupil Yield														81	40	68

As of February 1, 2017

- 01-14-15 LTC PP - 136 SFD, 576 TH, 322 MF, 95 MF Condos, 110 TT, totaling 1240 units.
- 09-10-15 Hamptons West PP - 217 SFD/189 TH, totaling 406 units.
- 09-14-16 Woodridge V PP - 159 SF, totaling 159 units.
- 01-01-17 - Note that Kiddie Academy Proposed SP utilized 26 Units worth of Traffic APFO, but does not affect the pupil yield budget. However, should Hamptons East be proposed for more than 274 units, the traffic would also have to be accounted for elsewhere.
- 02-03-17 LTC PP (Proposed Amendment to #1 Unit Mix above) - 136 SFD, 631 TH, 322 MF, 95 MF Condos, totaling 1185 units (replacing #1 above)
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TRIP GENERATION (USE ITE BY REGION) - TRIP SCORECARD

Traffic Impact Study Approved Units	Proposed Units	MORNING PEAK HOUR			EVENING PEAK HOUR		
		IN	OUT	TOTAL	IN	OUT	TOTAL
	Alpine						
		Trips/SFD (Region 4)			0.18	0.53	0.71
100	100 Single-Family Detached Units	18	53	71	53	31	84
	Hamptons West						
		Trips/SFD (Region 1&2)			0.18	0.53	0.71
300	217 Single-Family Detached Units	39	115	154	100	59	159
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
150	189 Townhouse Units	11	51	62	51	25	76
	Total trips for Hamptons West	50	166	216	151	84	235
	Hamptons East						
		Trips/SFD (Region 1&2)			0.18	0.53	0.71
300	300 Single-Family Detached Units	54	159	213	138	81	219
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
135	135 Townhouse Units	8	38	44	38	18	54
	Total trips for Hamptons East	62	195	257	174	99	273
	Town Center						
		Trips/SFD (Region 5)			0.18	0.54	0.72
300	136 Single-Family Detached Units	24	73	97	75	44	119
		Trips/Townhouse (Region 5)			0.05	0.27	0.32
900	631 Townhouse Units	32	170	202	164	82	246
400	418 Apartment Units	42	167	209	181	87	248
200,000	200,000 sq.ft. Shopping Center ²⁷	142	90	232	496	516	1012
	Pass-by trips (PM-32%)				-159	-165	-324
	Net Shopping Center trips	142	90	232	337	351	688
	Total trips for Town Center	240	500	740	737	564	1301
	Westridge						
		Trips/SFD (Region 1&2)			0.18	0.53	0.71
300	300 Single-Family Detached Units	54	159	213	138	81	219
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
100	100 Townhouse Units	6	27	33	27	13	40
	Total trips for Westridge	60	186	246	165	94	259
	Woodridge						
		Trips/SFD (Region 1&2)			0.18	0.53	0.71
100	150 Single-Family Detached Units	27	80	107	69	41	110
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
50	0 Townhouse Units	0	0	0	0	0	0
	Total trips for Woodridge	27	80	107	69	41	110
	Eaglestream						
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
50	50 Townhouse Units	3	14	17	14	7	21
	Nightingale						
		Trips/SFD (Region 3)			0.18	0.59	0.73
50	50 Single-Family Detached Units	9	28	37	30	17	47
	Aspen						
		Trips/Townhouse (Region 1&2)			0.06	0.27	0.33
100	100 Townhouse Units	6	27	33	27	13	40
	Day Care - Finn Drive						
	11,000 SF Day Care Center	71	63	134	64	72	136
	95% External Trips	67	60	127	61	68	129
	50% Pass-by Trips	-34	-30	-64	-31	-34	-65
	Net New Trips	33	30	63	30	34	64
Eaglehead Trip Scorecard		508	1279	1787	1450	984	2434
Eaglehead Approved Trips		523	1425	1948	1593	1043	2636
Difference of Trips (Approved - Trip Scorecard)		15	146	161	143	59	202